

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**Oliver Allotment Split #121207**  
**Grazing Permit**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0043-EA

*For Further Information Please Contact:*

Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301  
406-233-2800

BLM



**PROPOSED ACTION:** Ensure the allotments continue to meet Land Health Standards and issue grazing permits to the applicants.

The Oliver Allotment (current preference of 1455 AUMs) (GR 2503561) will be split. A new allotment will be created, the West Butte Creek Allotment No. 10423. AUMs will be reapportioned between the allotments. The result is the Oliver Allotment No. 03344 (GR 2504400) will have 470 AUMs. The West Butte Creek Allotment No. 10423 (GR 2503561) will have 985 AUMs. The grazing permits will be issued as follows:

The term of the West Butte Creek Allotment grazing permit will be from 5/15/12 to 5/15/15 to coincide with the base property lease.

(GR 2503561)

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
West Butte Creek No. 10423							
Hay Creek Pasture	6	Cattle	03/01	02/28	100	Custodial	82
Albion Pasture	2	Cattle	03/01	02/28	100	Custodial	24
Butte Creek Pastures	303	Cattle	05/15	10/15	56	Active	874
Exch. To Cole	1	Cattle	03/01	02/28	100	Custodial	5

Total Active AUMs: 985

**Terms and Conditions:**

Livestock will not be on the public land continuously for the entire season.

Grazing use is authorized with your normal livestock operation.

Grazing fees must be paid prior to turnout.

Livestock numbers and season of use cannot exceed public land AUMs.

The term of the permit will run from May 15, 2012 to May 15, 2015, which coincides with the dates of the base property lease. Provided that current monitoring information indicates that range conditions are in conformance with 43 CFR 4180, the permit may be renewed upon renewal of the base property lease through May 15, 2022.

The term of the Oliver Allotment grazing permit will be from 3/26/12 to 2/28/22.

(GR 2504400)

Allotment Name & Number	Livestock Number	Livestock Kind	Grazing Begin	Period End	%PL	Type Use	AUMs
Oliver No. 03344							
Custodial	15	Cattle	03/01	02/28	100	Custodial	191
South Butte Creek Pasture	64	Cattle	05/15	10/15	86	Active	279

Total Active AUMs: 470

**Terms and Conditions:**

Livestock will not be on the public land continuously for the entire season.

Grazing use is authorized with your normal livestock operation.

Grazing fees must be paid prior to turnout.

Livestock numbers and season of use cannot exceed public land AUMs.



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Miles City Field Office

111 Garryowen Road

Miles City, Montana 59301-7000

[www.blm.gov/mt](http://www.blm.gov/mt)

In Reply Refer To:

4100 (4160.1)(P)

GR 2504400

GR 2503561

April 4, 2013

Jason L. Garman & Garman Ranch Revocable Trust  
804 Sako  
Gillette, Wyoming 82718

Certified Mail No: 7011 3500 0003 4517 0490  
Return Receipt Requested

Richard Blair and Edward Blair  
P.O. Box 265  
Sturgis, South Dakota 57785

Certified Mail No: 7011 3500 0003 4517 0506  
Return Receipt Requested

## NOTICE OF PROPOSED DECISION

### BACKGROUND

The Oliver Allotment No. 10423 is located at Albion, Montana in Carter County. One portion of the allotment is located near Albion and the other portion of the allotment is located approximately 10 miles northwest of Albion. The allotment consists of 6,097 acres of BLM managed lands, 15,902 acres of private lands, and 316 acres of state lands. The BLM administered acreage on the Oliver Allotment has 1,455 AUMs of active use.

In March 2012, Jason L. Garman & Garman Ranch Revocable Trust and the Montana Dakota Land LLC submitted proof of ownership documentation for the Oliver Allotment base property. To reflect the split in base property ownership, the West Butte Creek Allotment will be created. Montana Dakota Land LLC has leased their base property to Richard Blair and Edward Blair.

Jason L. Garman & Garman Ranch Revocable Trust have submitted Form 4130-1 (Grazing Application-Grazing Schedule), Form 4130-1a (Grazing Application-Preference Summary), Form 4130-1b (Grazing Application-Supplemental Information), and Form 4120-8 (Assignment of Range Improvements).

Richard Blair and Edward Blair have submitted Form 4130-1 (Grazing Application-Grazing Schedule), Form 4130-1a (Grazing Application-Preference Summary), Form 4130-1b (Grazing Application-Supplemental Information), and Form 4120-8 (Assignment of Range Improvements).

In December 2012, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0043-EA) to analyze the issuance of the BLM grazing permits. The proposed action listed that the total active use for the Oliver Allotment would be 470 AUMs active use. The proposed action also listed that the total active use for the West Butte Creek Allotment would be 985 AUMs active use. A Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 7, 2013.

### PROPOSED DECISION

It is my proposed decision to issue grazing permits, which authorizes the grazing of the Oliver Allotment No. 03344 and the West Butte Creek Allotment No. 10423.

The Oliver Allotment (current preference of 1455 AUMs) (GR 2503561) will be split. A new allotment will be created, the West Butte Creek Allotment No. 10423. AUMs will be reapportioned between the allotments. The result is the Oliver Allotment No. 03344 (GR 2504400) will have 470 AUMs. The West Butte Creek Allotment No. 10423 (GR 2503561) will have 985 AUMs. The grazing permits will be issued as follows:

The term of the West Butte Creek Allotment grazing permit will be from 5/15/12 to 5/15/15.

(GR 2503561)

<b>West Butte Creek No. 10423</b>	<b>Livestock Number</b>	<b>Livestock Kind</b>	<b>Grazing Begin</b>	<b>Period End</b>	<b>%PL</b>	<b>Type Use</b>	<b>AUMs</b>
Hay Creek Pasture	6	Cattle	03/01	02/28	100	Custodial	82
Albion Pasture	2	Cattle	03/01	02/28	100	Custodial	24
Butte Creek Pastures	306	Cattle	05/15	10/15	56	Active	868
	2	Cattle	05/15	10/15	56	Active	6
Exch. To Cole	1	Cattle	03/01	02/28	100	Custodial	5

Total Active AUMs: 985

**Terms and Conditions:**

Lines 1 & 2: Livestock will not be on the public land continuously for the entire season. Grazing use is authorized with your normal livestock operation. Grazing fees must be paid prior to turnout. Livestock numbers and season of use cannot exceed public land AUMs.

Line 3: Grazing is on a season and numbers. Line 4 is to only authorize the full preference.

Line 5: Refers to public land exchanged to McKnight Allotment #00424; used by McKnight Allotment #00424; paid for by #10423.

The term of the permit will run from May 15, 2012 to May 15, 2015, which coincides with the dates of the base property lease. Provided that current monitoring information indicates that range conditions are in conformance with 43 CFR 4180, the permit may be renewed upon renewal of the base property lease through May 15, 2022.

The term of the Oliver Allotment grazing permit will be from 3/26/12 to 2/28/22.

(GR 2504400)

<b>Oliver No. 03344</b>	<b>Livestock Number</b>	<b>Livestock Kind</b>	<b>Grazing Begin</b>	<b>Period End</b>	<b>%PL</b>	<b>Type Use</b>	<b>AUMs</b>
Custodial	15	Cattle	03/01	02/28	100	Custodial	191
South Butte Creek Pasture	64	Cattle	05/15	10/15	86	Active	279

Total Active AUMs: 470

**Terms and Conditions:**

Line 1: Livestock will not be on the public land continuously for the entire season. Grazing use is authorized with your normal livestock operation. Grazing fees must be paid prior to turnout. Livestock numbers and season of use cannot exceed public land AUMs.

Line 2: Grazing is on a season and numbers.

## **RATIONALE**

Existing information indicates the original Oliver Allotment is meeting the Standards for Rangeland Health (43 CFR 4180); the grazing permits should be issued under the direction of 43 CFR. Jason L Garman & Garman Ranch Revocable Trust and Richard Blair and Edward Blair have submitted all required grazing application forms.

The BLM determined that Jason L Garman & Garman Ranch Revocable Trust and Richard Blair & Edward Blair are new applicants and are qualified to hold the grazing permits. The issuance of the grazing permits complies with 43 CFR §4110.1, 4110.2-1, and 4110.2-2.

In December 2012, a Miles City Field Office BLM interdisciplinary team initiated an Environmental Assessment (DOI-BLM-MT-C020-2013-0043-EA) to analyze the issuance of the BLM grazing permits. The proposed action listed that the total active use for the Oliver Allotment would be 470 AUMs active use. The proposed action also listed that the total active use for the West Butte Creek Allotment would be 985 AUMs active use. A Finding of No Significant Impact (FONSI) was signed by the authorized officer on March 7, 2013.

## **AUTHORITY**

The following sections of the Code of Federal Regulations, Chapter 43, provide authority for the actions proposed in this grazing decision. The language of the cited sections can be found at a library designated as a federal depository or at the following web address:

[http://www.blm.gov/style/medialib/blm/wo/Information\\_Resources\\_Management/policy/im\\_attachments/2007.Par.69047.File.dat/IM2007-137\\_att1.pdf](http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2007.Par.69047.File.dat/IM2007-137_att1.pdf)

**§4110.1 Mandatory qualifications**

**§4110.2-1 Base property.**

**§4110.2-2 Specifying permitted use.**

**§4130.2 Grazing permits or leases**

**§ 4120.2 Allotment management plans and resource activity plans.**

**§ 4120.3-2 Cooperative range improvement agreements.**

**§4130.3 Terms and conditions**

**§4130.3-1 Mandatory terms and conditions**

**§4130.3-2 Other terms and conditions**

**§4130.3-3 Modification of permits and leases**

**§4160.1 Proposed decisions**

**§4160.2 Protests**

**§4160.3 Final decisions**

**§4160.4 Appeals**

## **RIGHT OF PROTEST AND APPEAL**

Protest:

Any applicant, permittee, lessee, or other affected interest may protest a proposed decision under Sec. 43 CFR§4160.1. Any protest shall be made in person or in writing within 15 days after receipt of this proposed decision to:

Todd D. Yeager, Field Manager  
Bureau of Land Management, Miles City Field Office  
111 Garryowen Road  
Miles City, MT 59301

The protest, if filed, should clearly and concisely state the reason(s) why the proposed decision is in error. In the absence of a protest, the proposed decision will become my final decision without further notice.

**Appeal:**

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal may be accompanied by a petition for stay of the decision in accordance with CFR 4.21 9 and 43 CFR 4.471, pending final determination of an appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final (43 CFR 4160.4).

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise comply with the provisions of 43 CFR 4.470, which is available from the BLM office for your use in a BLM office.

The appeal, or the appeal and petition for stay, must be in writing and delivered in person, via the United States Postal Service mail system, or other common carrier, to the Miles City Field Office as noted above. The BLM does not accept appeals by facsimile or email.

In accordance with 43 CFR§4.21(b)(1), a petition for stay, if filed, must show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied.
- 2) The likelihood of the appellant's success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

**ENCLOSURES FOR REPLY**

Find enclosed two copies of your grazing permit. Please sign both copies and promptly return them both to the Miles City Field Office. Once officially signed by the authorized officer, you will be provided with a signed copy for your records.

Also enclosed is a copy of your BLM allotment map. Review the enclosed map and notify this office of any inaccuracies. Please mark fenceline locations and return the edited map to the office.

If you have any questions on this document, or would like to discuss your allotment map, please contact Dawn Doran, Rangeland Management Specialist, at (406) 233-2833.

Sincerely,



Todd D. Yeager  
Field Manager

**Enclosed:**

- 1) BLM Grazing Permit (2 copies: please sign and return to the Miles City Field Office)
- 2) Allotment Map

cc: Montana Dakota Land, LLC  
P.O. Box 265  
Sturgis SD 57785

Certified Mail No: 7011 3500 0003 4517 0513  
Return Receipt Requested

Doran:km:4/3/2013:GarmanRanch&Blair\_Decision\_Doran\_2013